



News from

Congressman Ron Kind

REPRESENTING WISCONSIN'S THIRD
CONGRESSIONAL DISTRICT

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FOR IMMEDIATE RELEASE
November 3, 2005

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Kind Votes to Protect Private Property Rights

Bill Prohibits Abuse of Eminent Domain Powers

Washington, DC – U.S. Rep. Ron Kind (D-WI) voted today to protect the rights of Wisconsin property owners by discouraging municipalities and local governments from abusing their eminent domain power in the name of economic development. The Eminent Domain Property Act of 2005 (HR 4128), which passed the House with significant bipartisan support, was drafted in response to the Supreme Court's 5-4 decision in *Kelo vs. City of New London* condoning the use of eminent domain to seize private property for the purpose of private economic development.

"Private property ownership is one of the most valued rights in our society," stated Rep. Kind. "The *Kelo* decision put homeowners, small business owners, and farmers at risk of losing their property to the expansion of the government's eminent domain powers. While economic development is certainly a critical goal for states and local communities, government should not encroach upon private property rights unless there is an overwhelming public need."

Earlier this year, in response to the *Kelo* decision, Rep. Kind and a bipartisan group of lawmakers introduced the Strengthening the Ownership of Private Property Act of 2005 (HR 3405) which seeks to protect the rights of property owners across the country by discouraging municipalities and local governments from abusing their eminent domain power. Much like SOPP Act, HR 4128 prohibits state and local governments from receiving federal economic development funding if using eminent domain to seize land for private economic development.

Kind also noted that agricultural lands are particularly vulnerable to the abuse of the eminent domain power because these lands tend to have a lower fair market value than surrounding commercial and residential properties, making them a prime target for growing communities. "It is hard enough for our struggling farmers who are facing softening commodity prices and weather-related disasters, to also have to contend with the threat of losing their way of life. This bill removes that threat, sparing farmers this additional burden," stated Kind.

A violation by any state or municipality of the proposed law would result in suspended eligibility for federal economic development for two years. The bill also explicitly recognizes the right of a person who has been injured by a violation of the act to sue for redress. The bill must now pass the Senate before it moves to the President's desk.